

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**  
AUG - 1 2006  
CLERK, U.S. DISTRICT COURT  
By                       
Deputy

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§ 87(2)(b)

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## **PARTIES**

4. Plaintiff Elektra Entertainment Group Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

5. Plaintiff Warner Bros. Records Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of California.

6. Plaintiff Capitol Records, Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

7. Plaintiff Virgin Records America, Inc. is a corporation duly organized and existing under the laws of the State of California, with its principal place of business in the State of New York.

8. Plaintiff UMG Recordings, Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of California.

9. Plaintiff SONY BMG MUSIC ENTERTAINMENT is a Delaware general partnership, with its principal place of business in the State of New York.

10. Plaintiff Arista Records LLC is a limited liability company duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

11. Plaintiff BMG Music is a general partnership duly organized and existing under the laws of the State of New York, with its principal place of business in the State of New York.

12. Plaintiffs are informed and believe that Defendant is an individual residing in this District.

**COUNT I**  
**INFRINGEMENT OF COPYRIGHTS**

13. Plaintiffs incorporate herein by this reference each and every allegation contained in each paragraph above.

14. Plaintiffs are, and at all relevant times have been, the copyright owners or licensees of exclusive rights under United States copyright with respect to certain copyrighted sound recordings (the "Copyrighted Recordings"). The Copyrighted Recordings include but are not limited to each of the copyrighted sound recordings identified in Exhibit A attached hereto, each of which is the subject of a valid Certificate of Copyright Registration issued by the Register of Copyrights. In addition to the sound recordings listed on Exhibit A, Copyrighted Recordings also include certain of the sound recordings listed on Exhibit B which are owned by or exclusively licensed to one or more of the Plaintiffs or Plaintiffs' affiliate record labels, and which are subject to valid Certificates of Copyright Registration issued by the Register of Copyrights.

15. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce the Copyrighted Recordings and to distribute the Copyrighted Recordings to the public.

16. Plaintiffs are informed and believe that Defendant, without the permission or consent of Plaintiffs, has used, and continues to use, an online media distribution system to download the Copyrighted Recordings, to distribute the Copyrighted Recordings to the public, and/or to make the Copyrighted Recordings available for distribution to others. In doing so, Defendant has violated Plaintiffs' exclusive rights of reproduction and distribution. Defendant's actions constitute infringement of Plaintiffs' copyrights and exclusive rights under copyright.

17. Plaintiffs have placed proper notices of copyright pursuant to 17 U.S.C. § 401 on each respective album cover of each of the sound recordings identified in Exhibit A. These notices of copyright appeared on published copies of each of the sound recordings identified in Exhibit A. These published copies were widely available, and each of the published copies of the sound recordings identified in Exhibit A was accessible by Defendant.

18. Plaintiffs are informed and believe that the foregoing acts of infringement have been willful and intentional, in disregard of and with indifference to the rights of Plaintiffs.

19. As a result of Defendant's infringement of Plaintiffs' copyrights and exclusive rights under copyright, Plaintiffs are entitled to statutory damages pursuant to 17 U.S.C. § 504(c) for Defendant's infringement of each of the Copyrighted Recordings. Plaintiffs further are entitled to their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

20. The conduct of Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiffs great and irreparable injury that cannot fully be compensated or measured in money. Plaintiffs have no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiffs are entitled to injunctive relief prohibiting Defendant from further infringing Plaintiffs' copyrights, and ordering Defendant to destroy all copies of sound recordings made in violation of Plaintiffs' exclusive rights.

For these reasons, Plaintiffs pray for judgment against Defendant as follows:

1. For an injunction providing:

"Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the Copyrighted Recordings and any sound recording, whether now in existence or later created, that is owned or controlled by Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (*i.e.*, download) any of Plaintiffs' Recordings, to distribute (*i.e.*, upload) any of Plaintiffs' Recordings, or to

make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control."

2. For statutory damages for each infringement of each Copyrighted Recording pursuant to 17 U.S.C. Section 504.
3. For Plaintiffs' costs in this action.
4. For Plaintiffs' reasonable attorneys' fees incurred herein.
5. For such other and further relief, either at law or in equity, general or special, to which they may be entitled.

Respectfully submitted,

DATED: August 1, 2006

By: 

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213-747-1141 • 800-421-8733 Fax: 213-747-3635

**EXHIBIT A****JOHN SANCHEZ**

<u>Copyright Owner</u>	<u>Artist</u>	<u>Recording Title</u>	<u>Album Title</u>	<u>SR#</u>
Elektra Entertainment Group Inc.	The Cars	Just What I Needed	Cars	4-128
Warner Bros. Records Inc.	Dire Straits	Walk of Life	Brothers In Arms	63-040
Warner Bros. Records Inc.	Fleetwood Mac	Dreams	Rumours	N39857
Capitol Records, Inc.	Billy Idol	Rebel Yell	Rebel Yell	52-131
Capitol Records, Inc.	Poison	I Want Action	Look What the Cat Dragged In	82-349
Virgin Records America, Inc.	Human League	Don't You Want Me	Dare	34-729
UMG Recordings, Inc.	Elton John	Blue Eyes	Jump Up	35-166
UMG Recordings, Inc.	Godsmack	Bad Religion	Godsmack	241-879
SONY BMG MUSIC ENTERTAINMENT	Bruce Springsteen	Glory Days	Born In The U.S.A.	55-647
SONY BMG MUSIC ENTERTAINMENT	Sade	Cherish The Day	Love Deluxe	183-731
Arista Records LLC	Outkast	Red Velvet	Stankonia	306-741
BMG Music	Clint Black	Nothin' But the Taillights	Nothin' But the Taillights	236-258

  
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User	Filename	Artist	Size	Media Type
candymanias@Kazaa	The Prodigy_03_Wind It up.mp3	The Prodigy	4,318KB	Audio
candymanias@Kazaa	BRIAN FERRY - Avalon [Roxy Music].mp3	Bryan Ferry	4,990KB	Audio
candymanias@Kazaa	Paige Richards_Misty mundae (My Vampire Lover).mpg	porn	28,702KB	Video
candymanias@Kazaa	tangerine dream - guido the killer pimp.mp3	Tangerine Dream	4,078KB	Audio
candymanias@Kazaa	qa.jpg	Nudist	41KB	Image
candymanias@Kazaa	Information Society - Pure Energy.mp3	Information Society	3,771KB	Audio
candymanias@Kazaa	Audio - Alternative Rock.kpl	Unknown	0KB	
candymanias@Kazaa	kazaa300_en.exe	Sharman Networks Ltd	10,781KB	Software
candymanias@Kazaa	boston - i need your love-7.85.MP3	Boston	5,210KB	Audio
candymanias@Kazaa	Gerry Rafferty - Right Down The Line.mp3	Gerry Rafferty	4,226KB	Audio
candymanias@Kazaa	Brad Paisley - Alcohol.mp3	Brad Paisley	3,897KB	Audio
candymanias@Kazaa	John Parr - Naughty, Naughty.mp3	John Parr	3,474KB	Audio
candymanias@Kazaa	A Flock of Seagulls - Space Age Love Song.mp3	A Flock of Seagulls	3,542KB	Audio
candymanias@Kazaa	Boston - Cool The Engines.mp3	Boston	4,304KB	Audio
candymanias@Kazaa	Boston - We're Ready-7.2.mp3	Boston	3,719KB	Audio
candymanias@Kazaa	Journey - When You Love A Woman.mp3	Journey	3,895KB	Audio
candymanias@Kazaa	boston - Hollyann-7.8.mp3	Boston	6,138KB	Audio
candymanias@Kazaa	Navajo Rug - Jerry Jeff Walker.mp3	Jerry Jeff Walker	2,768KB	Audio
candymanias@Kazaa	Russians Sting.mp3	Sting, the Police	3,744KB	Audio
candymanias@Kazaa	Can You Feel the Love Tonight.wma	Elton John	3,801KB	Audio
candymanias@Kazaa	Jonny Cash - I Walk the Line.mp3	Johnny Cash	2,276KB	Audio
candymanias@Kazaa	Movie Quotes - Office Space -Milton - Paycheck.MP3	A+	854KB	Audio
candymanias@Kazaa	311 - Caress Me Baby.mp3	Steve Miller Band	3,124KB	Audio
candymanias@Kazaa	Office Space - Car Song.mp3	Ghetto Boys	1,766KB	Audio
candymanias@Kazaa	boston - what's your name-7.22.mp3	Boston	4,190KB	Audio
candymanias@Kazaa	Boston - Magdalene-7.85.mp3	Boston	5,588KB	Audio
candymanias@Kazaa	(Dan Hill)- Sometimes When We Touch.wma	Dan Hill	1,956KB	Audio
candymanias@Kazaa	Brad Paisley - Flowers On The Wall.mp3	Brad Paisley	1,539KB	Audio
candymanias@Kazaa	Martika - Toy Soldiers.mp3	Martika	4,379KB	Audio
candymanias@Kazaa	Elton John - This Is Your Chance.mp3		3,706KB	Audio

User	Filename	Artist	Size	Media Type
candymanjas@Kazaa	Martika - Toy Soldiers.mp3	Martika	4,379KB	Audio
candymanjas@Kazaa	Elton John - This Is Your Song.mp3	3	3,728KB	Audio
2 Users	Peter Cetera - Look Away.mp3	Chicago	3,770KB	Audio
candymanjas@Kazaa	Peter Cetera - One Good Woman.mp3	Peter Cetera	4,344KB	Audio
candymanjas@Kazaa	Peter Cetera - If you Leave me now .mp3	Peter Cetera	4,097KB	Audio
2 Users	Chicago - Stay The Night.mp3	Chicago	3,546KB	Audio
candymanjas@Kazaa	Climax Blues Band - I Love You.mp3	Climax Blues Band	7,671KB	Audio
candymanjas@Kazaa	Chicago - Love Me Tomorrow.mp3	Chicago	4,763KB	Audio
candymanjas@Kazaa	09 Hard Habit to Break.wma	Chicago	4,485KB	Audio
candymanjas@Kazaa	Ultravox - Vienna.mp3	Ultravox	4,337KB	Audio
candymanjas@Kazaa	Billie Holiday - Stormy Weather.mp3	Billie Holiday	3,452KB	Audio
candymanjas@Kazaa	De135.mp3	Michael McDonald	4,874KB	Audio
candymanjas@Kazaa	11-Chicago - Remember The Feeling.mp3	Chicago	4,227KB	Audio
candymanjas@Kazaa	Cheap Trick - Dream Police.mp3	Cheap Trick	3,670KB	Audio
candymanjas@Kazaa	totally 80s - Ghostbusters Theme.mp3	80's	3,368KB	Audio
candymanjas@Kazaa	Oh Sherri - Steve Perry.MP3	Steve Perry	1,345KB	Audio
candymanjas@Kazaa	Audio - Barrington Levy.kpl	Barrington Levy	1KB	
candymanjas@Kazaa	Office Space - TP5 Reports.mp3	Movie Quotes	806KB	Audio
candymanjas@Kazaa	REM - Pop Song 89.mp3	REM	2,893KB	Audio
candymanjas@Kazaa	comedy SNL celebrity jeopardy (connery, flockheart, cage)...	Saturday Night Live	2,711KB	Audio
candymanjas@Kazaa	White Lion - When the Children Cry.mp3	White Lion	3,042KB	Audio
candymanjas@Kazaa	06 80's-Flashdance - Maniac.mp3	Michael Sembello	2,859KB	Audio
candymanjas@Kazaa	Moody Blues - Gypsy.mp3	Moody Blues	3,335KB	Audio
candymanjas@Kazaa	Toto - Africa.mp3	Toto	4,645KB	Audio
candymanjas@Kazaa	Prince - Lets Go Crazy.mp3	Prince	4,350KB	Audio
candymanjas@Kazaa	Tubes - Shes is a Beauty.mp3	Tubes	3,733KB	Audio
candymanjas@Kazaa	80s - Thomson Twins - Hold Me Now.mp3	Thompson Twins	5,051KB	Audio
candymanjas@Kazaa	Toto - Hold The Line.mp3	Toto	3,699KB	Audio
candymanjas@Kazaa	Wham! - Freedom.mp3	Wham!	5,014KB	Audio
candymanjas@Kazaa	06- Metal Demit.mp3	Rock Tachyon Mtu	7.090KB	Audio

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User	Filename	Artist	Size	Media Type
candymanjas@KaZaA	Wham - Freedom.mp3	Wham!	5,014KB	Audio
candymanjas@KaZaA	80s Metal Remix.mp3	Rock Techno Mix	7,808KB	Audio
candymanjas@KaZaA	Glass Tiger;Don't forget me.mp3	Glass Tiger	4,802KB	Audio
candymanjas@KaZaA	Someday (Glass Tiger).mp3	A	3,206KB	Audio
candymanjas@KaZaA	Elton John - Daniel's Song (2).mp3	Elton John	3,630KB	Audio
candymanjas@KaZaA	10 Bruce Springsteen - Glory Days.mp3	Bruce Springsteen	3,583KB	Audio
candymanjas@KaZaA	Axel's Song.mp3	Beverly Hills Cop Soundtr...	2,842KB	Audio
candymanjas@KaZaA	Jan Hammer - Miami Vice Theme.mp3	Theme	2,283KB	Audio
candymanjas@KaZaA	I Know You're Out There Somewhere.mp3	Moody Blues	6,241KB	Audio
candymanjas@KaZaA	Peter Gabriel - Sledgehammer.mp3	Peter Gabriel	4,623KB	Audio
candymanjas@KaZaA	Human League - Human.mp3	Human League	4,138KB	Audio
candymanjas@KaZaA	dance party favorites - YMCA.mp3	80's Music	3,311KB	Audio
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candymanjas@KaZaA	Animation - Obsession.mp3	Animation	4,672KB	Audio
candymanjas@KaZaA	I knew you were waiting (for me).mp3	George Michael	3,730KB	Audio
candymanjas@KaZaA	Kenny Loggins - Jim Messina - Danny's Song.mp3	Kenny Loggins	3,998KB	Audio
candymanjas@KaZaA	Godsmack - Bad Religion.mp3	Godsmack	3,014KB	Audio
candymanjas@KaZaA	David Gates - Still In Love.mp3	Bread	3,092KB	Audio
candymanjas@KaZaA	The Cult-Fire Women.mp3	The Cult	4,856KB	Audio
candymanjas@KaZaA	Dan Fogelberg - Part of the Plan.wma	a	4,642KB	Audio
candymanjas@KaZaA	The Cult - Painted on my Heart.wma	The Cult	2,119KB	Audio
candymanjas@KaZaA	Kickstart My Heart.mp3	Motley Crue	3,867KB	Audio
candymanjas@KaZaA	Dan Fogelberg - Leader of the Band.mp3	Dan Fogelberg	4,034KB	Audio
candymanjas@KaZaA	Motley Crew - Same Old Situation.MP3	Motley Crue	4,905KB	Audio
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candymanjas@KaZaA	DEM - I Am Scream.mp3	DEM	3,926KB	Audio

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User	Filename	Artist	Size	Media Type
candymanjas@KaZaA	Walking in the Rain by Neil Sedaka.wma	Unknown	1,346KB	Audio
candymanjas@KaZaA	REM - I Am Superman.mp3	REM	2,365KB	Audio
candymanjas@KaZaA	SNL Celebrity Jeopardy - Ozzy Ozbourn, Martha Stewart, ...	Unknown	4,414KB	Video
candymanjas@KaZaA	Theme - ESPN NHL Hockey Night.mp3	Theme	718KB	Audio
candymanjas@KaZaA	16-Looks That Kill.mp3	Mötley Crüe	3,768KB	Audio
candymanjas@KaZaA	John Denver -- Annie's Song.mp3	John Denver	2,995KB	Audio
candymanjas@KaZaA	SNL - Celebrity Jeopardy - The Rapists.mp3	Unknown	24,075KB	Video
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candymanjas@KaZaA	SNL - Celebrity Jeopardy - Adam Sandler, Connelly, Cruise ..	Unknown	64,007KB	Video
candymanjas@KaZaA	SNL - Celebrity Jeopardy(Sean Connery, Keanu Reeves, Hl...	Unknown	24,715KB	Video
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candymanjas@KaZaA	Will Ferrell - Celebrity Jeopardy 2.mp3	Unknown	65,818KB	Video
candymanjas@KaZaA	Elton John - Madman Across the Water.mp3	Elton John	6,988KB	Audio
candymanjas@KaZaA	Cheap Trick - Surrender.wma	Cheap Trick	2,002KB	Audio
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candymanjas@KaZaA	Eddie Money - Shakin' .mp3	Eddie Money	2,908KB	Audio
candymanjas@KaZaA	David Gates - Guitar Man.mp3	David Gates, Bread	3,488KB	Audio
candymanjas@KaZaA	Thompson Twins - Doctor Doctor.mp3	Thompson Twins	4,327KB	Audio
candymanjas@KaZaA	Bread - Everything I Own.mp3	Bread	2,876KB	Audio
candymanjas@KaZaA	09 - The Wasp (Texas Radio And The Big Beat).mp3	Doors	4,044KB	Audio
candymanjas@KaZaA	Moody Blues - Tuesday Afternoon.mp3	Moody Blues	4,568KB	Audio
candymanjas@KaZaA	Elton John - Blue_eyes.kar	Elton John	27KB	Audio
candymanjas@KaZaA	Elton John - Your Song.mp3	Elton John	3,787KB	Audio
candymanjas@KaZaA	Elton John- Tiny Dancer.mp3	Elton John	4,104KB	Audio
candymanjas@KaZaA	Elton John - Blue Eyes.mp3	Elton John	3,284KB	Audio
candymanjas@KaZaA	Your Song.mp3	Elton John	3,248KB	Audio
candymanjas@KaZaA	Retro 80's Rock - Romantics - What I Like About You.mp3	Romantics	2,204KB	Audio
candymanjas@KaZaA	Good Charlotte - The Anthem.wma	Good Charlotte	1,393KB	Audio
candymanjas@KaZaA	Brad paisley - Wrapped Around (2).mp3	Brad Paisley	3,172KB	Audio
candymanjas@KaZaA	Tuesday Afternoon.mp3	Tuesday Afternoon	2,704KB	Audio